

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

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|--|---|------------------------|
| Angela Ann Briggs, |) | |
| |) | |
| Plaintiff, |) | C.A. No. 4:24-7520-RMG |
| |) | |
| v. |) | |
| |) | |
| Leland Dudek, Acting Commissioner of Social Security, |) | |
| |) | ORDER |
| Defendant. |) | |
| |) | |
| _____ |) | |

Before the Court is the Report & Recommendation (R&R) of the Magistrate Judge recommending that Plaintiff's motion for an entry of default be denied. (Dkt. No. 14). Plaintiff filed an objection to the R & R and Defendant filed a reply. (Dkt. No. 15, 17). For reasons set forth below, the Court adopts the R & R of the Magistrate Judge as the order of the Court and remands the matter to the Magistrate Judge for further pretrial processing.

I. Background

Plaintiff filed this action on December 20, 2024, seeking to overturn an adverse decision of the Commissioner denying her Social Security disability benefits. (Dkt. No. 1). Defendant did not timely file an answer to the Complaint. On February 26, 2025, Plaintiff moved for an entry of default. (Dkt. No. 5). Defendant filed a response in opposition to the motion for an entry of default, explaining that Plaintiff's filing was overlooked due to "an administrative oversight." (Dkt. No. 9 at 1). Defendant apologized to the Court and asserted that the brief delay in the processing of the appeal had caused no prejudice to Plaintiff. (*Id.*). The Magistrate Judge's R & R soon followed, recommending that the motion for an entry of default and for a default judgment be denied because

of the strong preference that cases be decided on the merits and that the brief delay had caused Plaintiff no material prejudice. (Dkt. No. 14). Plaintiff has filed objections to the R & R, arguing that Plaintiff has experienced significant delays during the administrative processing of her application for Social Security benefits and she “should not be subjected to any further delays.” (Dkt. No. 15 at 2).

II. Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

III. Discussion

The Court finds that the Magistrate Judge properly summarized the factual and legal issues involved in this motion for an entry of default and correctly concluded that the interests of justice are best served by the disposition of this case on the merits. The Court has no doubt that the length of the administrative processing of Plaintiff's Social Security disability application has frustrated Plaintiff, and she desires to complete the litigation regarding this claim as soon as possible. Saying

that, the actual delay in the Commissioner filing a response to the Complaint was brief, and the Commissioner promptly responded to the motion for the entry of default and acknowledged the administrative oversight. Under these circumstances, the interests of justice are best served by denying the entry of a default and having the Magistrate Judge proceed with addressing the Plaintiff's claims on the merits.

IV. Conclusion

In light of the foregoing, the Court **ADOPTS** the R&R of the Magistrate Judge (Dkt. No. 14) as the order of the Court and **REMANDS** the matter to the Magistrate Judge for further pretrial processing.

AND IT IS SO ORDERED.

s/Richard Mark Gergel
Richard Mark Gergel
United States District Judge

April 22, 2025
Charleston, South Carolina